



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

March 1, 1962

Honorable Bill Pemberton
County Attorney
Hunt County
Greenville, Texas

Opinion No. WW-1268

Re: Does Article 286, V.P.C.,
apply to keepers of drug
stores as set out in
Article 287, V.P.C.?

Dear Mr. Pemberton:

We have your letter requesting an opinion on the following question:

"Does Article 286a Vernon's Annotated Penal Code which concerns the prohibition of the sale of goods on both the two consecutive days of Saturday and Sunday within the State of Texas apply to keepers of drug stores as set out in Article 287 VAPC of the State of Texas?"

Section 1 of Senate Bill 35, First Called Session, 57th Legislature (Art. 286a, V.P.C.), lists the items which cannot be sold on the two consecutive days of Saturday and Sunday. Nowhere within the enumerated items do we find drugs, medicines, foods, or newspapers. Attorney General's Opinion No. 0-2293 sets out the items that drug stores are privileged to sell. A copy of that opinion is attached hereto. We affirm that opinion herein. Under the provisions of Article 287, Vernon's Penal Code, keepers of drug stores are exempt from Article 286, V.P.C., which prohibits the sale, barter, or opening of a place of business for the purpose of traffic or public amusement.

Inasmuch as Section 5a of Article 286a specifically does not repeal Articles 286 and 287, we hold that drug stores do not come within its prohibition insofar as drugs, medicines, foods, or newspapers are concerned, and that Articles 287 and 286 apply to that business.

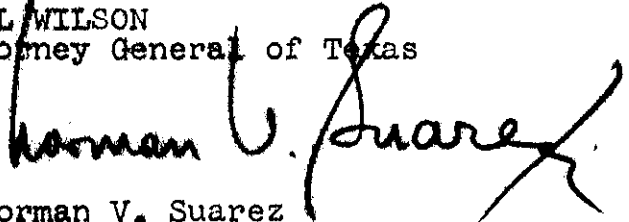
S U M M A R Y

Article 286a, Vernon's Penal Code, does
not cover or apply to keepers of drug stores.

Very truly yours,

WILL WILSON
Attorney General of Texas

By


Norman V. Suarez
Assistant Attorney General

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Enclosure

APPROVED:

OPINION COMMITTEE

W. V. Geppert, Chairman
Charles Hewel
Ivan Williams
Jim Broadhurst

REVIEWED FOR THE ATTORNEY GENERAL
BY: Houghton Brownlee, Jr.